

ATTACHMENT 1

U.S. DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
FILED

COMPLAINT FORM

2016 JUL 12 P 12:10

(for filers who are prisoners without lawyers) JON W. S. FILIPPO
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

JORDAN MICKLEVITZ

949 N. 9TH ST.

MILWAUKEE, WI 53233

v.

Case Number:

16-C-0905

(Full name of defendant(s))

TEHRANGI CHAPMAN

MATTHEW ZAWORSKI

TRAVIS JUNG

RICHARD FREDERICKS, RICHARD VILLANUEVA

(to be supplied by Clerk of Court)

A. PARTIES

1. Plaintiff is a citizen of WISCONSIN and is located at
(State)

949 N. 9TH ST. MILWAUKEE, WI 53233

(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

(1) TEHRANGI CHAPMAN (2) MATTHEW ZAWORSKI
(3) TRAVIS JUNG (4) RICHARD FREDERICKS

2. Defendant (5) RICHARD VILLANUEVA

is (if a person or private corporation) a citizen of WISCONSIN (Name)

and (if a person) resides at MILWAUKEE POLICE DEPT. DISTRICT-4 (State, if known)
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for MILWAUKEE POLICE
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

See Enclosed documents
concerning the defendants statement of -
claim.

" See Enclosed documents For "

STATEMENT OF CLAIM

Page 1

42 USC 1983 Civil Rights complaint

U.S.
EAST

COURT
DISTRICT-WI

2016 JUL 12 P 12:11
16-C-0905

JON W

CLERK
FILIPPO

On Thursday August 20, 2015 at about 6:40 p.m. I heard a knock on my apartment door. When I looked to see who it was, the peephole was covered, and someone announced Maintenance. I was not dressed because I was sleeping, but I opened the door about 4 inches. The person on the other side of the door asked if I was Jordan. I said "yes, please hold on." I was naked and I wanted to get dressed to address the situation. Upon opening the door, the person pushed the door open. The door had went onto my foot which did not have any shoes on them, so my foot was stuck under the door. The person placed their foot into the door and my foot was under the wood door. While my foot was wedged and stuck between the slight height of the door and the carpet, I was pepper sprayed twice. Two-3 second bursts of OC spray went into my eyes, nose, and all over my body. I had on no shirt, or shoes. The person used their body against the door to gain leverage. I felt as if they were breaking into my home. The door was forced open to about two feet, and the officers proceeded to enter my home and grab me. They performed a warrantless entry. I could not see or breathe due to the large amount of OC spray that was deployed into my eyes and nose. Upon being taken to the apartment building hallway, I was grabbed and placed on my knees. I was placed in handcuffs. The two men not once announced them selves as officers. Apparently, they were there to do an investigation for a Temporary Misdemeanor Want.

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42 USC 1983 Civil Rights Complaint

I had no knowledge that the men at my apartment door were police officers. I had no vision of them, because the peephole was covered. I did not have any verbal verification, because they announced themselves as "Maintenance." They used coercive tactics and deceit. They placed their foot in to my home to keep the door open and pepper sprayed me. I could not see who they were because my eyes were shut and burning. During the attack from the officers I was placed in handcuffs. I ultimately suffered from a broken hand which was verified at the hospital on 08-20-2015.

After I was handcuffed, the officer went inside of my home a total of 4 times. I was just outside the door of my apartment, only about 4 feet away. The officer went in without any exigent circumstances. He went in again without my permission to get a blender full of water for him and his partner to dump on their heads, because they were hit with mist from the OC spray, and he went in another time while I was outdoors with the fire department and EMT responders. The officer had no search warrant. I feel that I was assaulted by the officers, and that they entered my home a number of times illegally. I feel that my 4th amendment Constitutional Rights were violated. The officers were wrong for their actions. The officer spent a great amount of time in my home, and had no right to enter for an "investigation."

42 USC 1983 Civil Rights Complaint

The two officers only had knowledge of a Temporary Misdemeanor warrant, to check for a subject. They were supposed to do an investigation. I was physically assaulted by the officers and needed medical attention multiple times. An X-RAY was performed on my hand at ST. JOSEPH Hospital on 8-20-2015. I suffered broken bones and swelling. During the 3 second exchange at my door threshold, I was abused by officers who used excessive force. After being taken outside, officers continued to search my home without my consent. I was placed in a police car and both officers who placed their foot in my door, came outside and began to ask me about items that they had seen inside of my home. I am not a Felon in Wisconsin or any other state. I did possess a Concealed Carry Weapon Permit. And I am prescribed various medications, due to a cervical spine disease. I have severe neck and back problems. I have done an MRI and a CT scan. Also I have had procedures where I have had numerous injections for the pain due to a pinched nerve, bulged disc and a bone spur in my C5-C6 cervical spine. The officers had no warrant to search, and they also never asked if I had a valid prescription for the medication that I possessed. The officers stayed in my home, with the door open, and never waited on proper paperwork to search. The officer made false statements in the police report. The officer stated that I did not have a prescription for any of the pills

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42 USC 1983 Civil Rights complaint

Upon the officer writing his report. He stated that I did not have a prescription for any of the medication in my home and based his incident report off of false information. This false information is what led to the officers giving me felony charges. The two officers were Tehrangi CHAPMAN and Matthew ZAWORSKI. Matthew ZAWORSKI was the reporting officer. He works for District 4 - Bicycle Unit. He stated that I used my residence to sell illegal narcotics. They were not illegal, they were legal, due to my valid prescription. The fact that ZAWORSKI never asked me, or attempted to verify that I was a patient with medical issues and needed proper medication, he went off his own personal assumptions that I possessed the medication illegally. Upon the officers arresting me, they continued to go through my home without my consent or a search warrant. The officers never closed the door to my home, instead they waited inside of my home. I believe they gathered evidence illegally. My Mother and sister went to my home and made a video of an officer inside of my home. They were inside for hours. They did not apply for a warrant until around midnight and it was not executed until after midnight. So technically 8/21/15. From my research of police documents, the officer stated that I was admitted to the hospital at 9:44 p.m while the search warrant was being executed. I know the police searched illegally.

42 USC 1983 Civil Rights complaint.

During more research of the CAD call detailed history, I have recognized numerous faults and proof of illegal activity by officers from the Milwaukee Police Department. I was in custody at 7:02 p.m. on 8/20/2015. Officer Richard VILLANUEVA, arrived at 7:07 p.m. and took pictures of me due to the use of excessive force used by officers. After VILLANUEVA took photos of me, the EMT/Fire Dept. responders arrived to flush out my eyes due to the OC spray that was used. At 7:37 p.m., officers Travis JUNG and Richard FREDERICKS arrived on scene. I was transported by officer Ronald EDWARDS and had arrived at District 4-Milwaukee Police Department at 7:40 p.m. I was photographed and fingerprinted. Police were at my home doing an illegal search. The officers had taken multiple photographs of contents of my home, the photos were time stamped 7:44 p.m. At 7:45 p.m. CAD call comment states: GOING TO BE A WHILE... START EVERYONE OFF WITH 2 HOURS. Officers stayed inside my home for a few hours. At 9:08 p.m. a CAD call comment stated: GOING TO BE A WHILE... 4227 AND 4272 ARE WORKING ON A SEARCH WARRANT. 4227 operator was MATTHEW ZARWORSKI and 4272 operator was TRAVIS JUNG and RICHARD FREDERICKS. At 9:42 p.m. I had arrived at St. Joseph's for treatment of a broken hand and skin irritation via Paratech. CAD call history states at 12:14 a.m.: EXECUTE SEARCH WARRANT. Officers gained access and searched my home many times illegally, 8/20/15

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Jordan B. Micklevitz

Assault and Battery - Injury due to officers
Illegal search and seizure

Conclusion:

Officers had no authorization to enter a locked apartment building. They did not contact the leasing office or a property manager to gain entry. Upon entering the apartment hallway, considered the homes' curtilage, the officers used coercive tactics. The two officers proceeded to cover the peephole and announce themselves as maintenance. Upon the opening of the door, the officers crossed the door threshold and placed their feet in the door to keep it from closing. The officers never knocked and announced, but proceeded to pepper spray me twice. After I was disabled by the use of excessive force, the officers used their bodies against the door to force entry. During the assault by officers, my hand was broken and I was placed in handcuffs. I was in custody at 7:02 p.m. I was transported to the district 4 police station at 7:40 p.m. Officers arrived on scene and took photographs of my home and its contents at 7:44 p.m. The officers did not begin to work on a warrant until 9:08 p.m. Was executed 12:14 AM.

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

The defendant is seeking monetary damages in the amount of \$2-Million dollars.

E. JURY DEMAND

☐ Jury Demand – I want a jury to hear my case.

OR

☒ Court Trial – I want a judge to hear my case.

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 4th day of July 2016.

Respectfully Submitted,



Signature of Plaintiff

687744325

Plaintiff's Prisoner ID Number

949 N. 9th ST Milwaukee, WI

53233

(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE

☒ I **DO** request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.

☐ I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.

Attachment One (Complaint) – 5